

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PIER FISH CO., INC.,

Plaintiff/Defendant in Counterclaim

v.

EMPIRE SEAFOOD, LLC,

Defendant/Plaintiff in Counterclaim

v.

RICHARD J. BARRY and BARRY GROUP, INC.,

Third-Party Defendants

Civil Action No. 06-CA-11712-RCL

VOLUNTARY DISMISSAL WITH PREJUDICE

The parties hereby agree to voluntarily dismiss this action with prejudice, waiving all rights of appeal, and without attorney's fees or costs to any party.

Respectfully Submitted,

PIER FISH CO., INC., and
RICHARD J. BARRY

EMPIRE SEAFOOD, LLC,

By their Attorneys,

By its Attorneys,

By: /s/ Andrew B. Saunders

Andrew B. Saunders (B.B.O. #560645)
SAUNDERS & SAUNDERS, LLP
700 Pleasant Street, Fifth Floor
New Bedford, MA 02740
Tel. (508) 999-0600

By: /s/ Diane M. Saunders

Diane M. Saunders (B.B.O. #562872)
Jeffrey S. Siegel (B.B.O. #647148)
MORGAN, BROWN & JOY, LLP
200 State Street
Boston, MA 02109-2605
Tel. (617) 523-6666

BARRY GROUP, INC.

By its Attorneys,

By: /s/ Lawrence T. Gingrow, III

Lawrence T. Gingrow, III
PIERCE ATWOOD LLP,
Pease International Tradeport
One New Hampshire Avenue, Suite 350
Portsmouth, NH 03801
Tel. (603) 433-6300

Jeffrey M. White, Esq. (*Of Counsel*)
Pierce Atwood LLP
One Monument Square
Portland, ME 04101

Dated: November 29, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), **including opposing counsel Andrew B. Saunders and Lawrence T. Gingrow III**, on December 3, 2007.

s/ Diane M. Saunders
Diane M. Saunders